IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 11995 of 2007
With
SPECIAL CIVIL APPLICATION No. 11996 of 2007
With
SPECIAL CIVIL APPLICATION No. 12000 of 2007

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KALUBHAI RANABHAI AKABARI - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :
MR ANSHIN H DESAI for Petitioner(s) : 1,
MRS VS PATHAK ASST.GOVERNMENT PLEADER for Respondent(s) : 1,
DS AFF.NOT FILED (N) for Respondent(s) : 1, 3,
NOTICE SERVED BY DS for Respondent(s) : 2, 4,
MR BM MANGUKIYA for Respondent(s) : 5,

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CORAM : HONOURABLE MR.JUSTICE M.S.SHAH

and

HONOURABLE MR.JUSTICE K.A.PUJ

Date : 16/07/2007
COMMON OPERATIVE ORDER
(Per : HONOURABLE MR.JUSTICE M.S.SHAH)

Since the respondent-societies were granted registration under the Cooperative Societies Act after the declaration of election program and after the relevant date as discussed in the judgment, the office bearers of these societies were not eligible to be included in the voters' list and, therefore, cannot be permitted to vote at the ensuing elections to APMC, Junagadh.

It is, however, clarified that we have not gone into the merits of the controversy about challenge to registrations granted in favour of the respondent-societies and we have decided the matter on the basis that the respondent-societies were registered under the Cooperative Societies Act on 21.4.2007.

The petitions are accordingly allowed. The respondent-authorities shall not permit the members of the managing committees of the three respondent-societies i.e. (i) Sardar Patel Seva Sahakari Mandali Ltd., Village Choki (Sorath), Taluka & Dist. Junagadh, (ii) Sardar Patel Seva Sahakari Mandali Ltd., Village Mandalik, Taluka & Dist. Junagadh and (iii) Sardar Patel Seva Sahakari Mandali Ltd., Village Nana Mota -Avatadia Taluka & Dist. Junagadh, to vote at the ensuing elections to APMC, Junagadh scheduled to be held tomorrow.

Rule is made absolute to the aforesaid extent.

At this stage, Mr Mangukia for respondent No.5-societies prays for suspending the operation of this order.

In the facts and circumstances of this case, the request is rejected.

Direct service is permitted today.

(M.S. SHAH, J.)

(K.A. PUJ, J.)

zgs/-